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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/098,279	06/16/1998	C. DOUGLASS THOMAS	ATC97-1	3931

7590

08/25/2004

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EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 08/25/2004

27

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/098,279

Applicant(s)

THOMAS ET AL.

Examiner

Tung T. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7-9 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 7-9, 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1, 2, 4, 5, 7-9, 11-18 in Paper No. 22 is acknowledged. Since the applicant agreed to elect claims 1, 2, 4, 5, 7-9, 11-18 in Paper No. 22 without traverse, claims 26-31, 39-44, 47-18, 49-50, and 52-66 need to be withdrawn from further consideration as being drawn to non-elected claims. Therefore, the restriction, Paper No. 20, is now made final.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-5, 7-9, 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng (US 5,731,832) in view of Goldberg (US 6,526,158 B1) as set forth in the previous Office Action Paper No. 23, and the discussion follows.

Re claims 1-2, 4-5, 7-9, 11-18, Ng teaches a surveillance method for operating a general purpose computer to provide remote surveillance of an internal area of a building, comprising as set forth in the previous Office Action, Paper No. 23. Ng further suggests configuring, prior to said receiving, comparing and notifying, said general purpose computing device (12 of fig. 1) so as to automatically notify the interested user (col. 4,

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lines 39-49, e.g. the detection of motion before computing automatically contact a local police department as considered a predetermined address when an activity condition is detected).

Moreover, Ng teaches the system using modem (28 of fig. 1) and network (30 of fig. 1) for transmitting audible alarm, visual alarm, a warning tone or other messages (text, data, image) in response to the detection of motion to the police department or security service as the predetermined address; wherein the modem and network are used in the Ng's system suggests that would be operable to access to Internet, Web, Internet Provider, or WAN.

However, Ng does not mention the network comprises Internet for transmitting an electronic mail message with the captured image included or attached thereto from the local location to the remote and the use of a predetermined mailing address (email or internet address) as claimed.

Goldberg teaches the image data is transferred to an Internet server (207 of fig. 13b) where it can be transmitted to the Internet address of the patron (43 of fig. 2, e.g. the internet address is determined before sending the image data to the remote location) as an attachment to electronic mail (221 of fig. 13).

Therefore, taking the combined teachings of Ng and Goldberg as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Goldberg into the system of Ng for the same purpose of transmitting the image from the local computer to the remote computer using the email attached thereto with the predetermined mailing address. Doing so would provide the image with the text

messages to the remote location for viewing in the real time so that a user can save time and reduce cost.

Response to Arguments

3. Applicant's arguments filed 06/08/04 have been fully considered but they are not persuasive.

The applicant argued that Ng or Goldberg does not teach configuring, prior to receiving, comparing, detecting and notifying, said general purpose computing device so as to automatically notify the interested user via predetermined mailing address when an activity condition is subsequently detected, page14-16 of the remarks.

The examiner respectfully disagrees with the applicant. It is further submitted that configuring, prior to receiving, comparing, detecting and notifying, said general purpose computing device so as to automatically notify the interested user via predetermined address when an activity condition is subsequently detected (col. 4, lines 39-46, e.g. the detection of motion before computing automatically contact a local police department as considered a predetermined address when an motion condition is detected). The Ng's system further suggests to use a modem (28 of fig. 1) and a network (30 of fig. 1) for transmitting audible alarm, visual alarm, a warning tone or other messages (text, data, image) in response to the detection of motion to the police department or security service as the predetermined address; wherein the modem and network would be operable to access to Internet, Web, Internet Provider, or WAN.

Moreover, Goldberg teaches the use of Internet to transmit an image data from an Internet server (207 of fig. 13b) to the Internet address of the patron (43 of fig. 2, e.g. the internet address of patron has been determined and would be considered as a predetermined Internet address before sending the image data to the internet address) as an attachment to electronic mail (221 of fig. 13).

Since Ng teaches the notify is automatically transmitted to the predetermined address, police department, using the modem and network, and Goldberg suggests the use of the predetermined mailing address in the Internet System; therefore, it would have been obvious to one of ordinary skill in the art to incorporate the suggestion teachings of Goldberg into the system of Ng to serve the same purpose of automatically transmitted the notify to predetermined mailing address so that the user, client, or operator responses to the notify quickly. In view of the discussion above, the claimed features are unpatentable over the combination of Ng and Goldberg.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TUNG T. VO
PATENT EXAMINER

T.Vo

Tung T. Vo
Primary Examiner
Art Unit 2613